

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)



# 114th MAINE LEGISLATURE

## FIRST REGULAR SESSION - 1989

---

Legislative Document

No. 1650

---

S.P. 588

In Senate, May 11, 1989

Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator ANDREWS of Cumberland.

Cosponsored by Senator BERUBE of Androscoggin, Representative JOSEPH of Waterville and Representative PAUL of Sanford.

---

STATE OF MAINE

---

IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-NINE

---

An Act Mandating Standards for Ethics in Government.

---



1 Be it enacted by the People of the State of Maine as follows:

3 Sec. 1. 1 MRSA §1001, as enacted by PL 1975, c. 621, §1, is  
amended to read:

5 §1001. Statement of purpose  
7

9 It is essential under the American system of representative  
11 government that the people have faith and confidence in the  
13 integrity of government, the election process and the members of  
15 the Legislature. In order to strengthen this faith and confidence  
17 that the election process reflects the will of the people and  
19 that each Legislator considers and casts ~~his--vote~~ votes on the  
enactment of laws according to the best interests of the public  
and his constituents, there is created an independent commission  
on governmental ethics and election practices to guard against  
corruption or undue influencing of the election process and  
against acts or the appearance of misconduct by Legislators,  
government officials and employees.

21 Sec. 2. 1 MRSA §1002, sub-§1, as amended by PL 1983, c. 812,  
§1, is repealed and the following enacted in its place:

23 1. Membership. The Commission on Governmental Ethics and  
25 Election Practices, established by Title 5, section 12004,  
27 subsection 8, and referred to in this subchapter as the  
29 "commission," shall consist of 7 members to be appointed as  
follows.

31 A. The President of the Senate shall appoint 2 members,  
with the concurrence of 2/3 vote of the Senate.

33 B. The Speaker of the House of Representatives shall  
35 appoint 2 members, with the concurrence of 2/3 vote of the  
House of Representatives.

37 C. The Governor shall appoint 3 members, with the  
39 concurrence of 2/3 vote of the Senate.

41 D. Each member shall be appointed in January of each  
43 even-numbered year and shall serve a term of 2 years from  
the date of appointment or until a successor is appointed  
and qualified.

45 The appropriate appointing authority shall appoint members to  
47 vacancies on the commission as they occur or upon expiration of  
terms. Any vacancy shall be filled for the unexpired portion of  
49 the term in which the vacancy occurs. No more than 4 members may  
be of the same political party.

51 Sec. 3. 1 MRSA §1002, sub-§2, as enacted by PL 1975, c. 621,  
§1, is amended to read:

53

1           2. Qualifications. The members of the commission shall be  
2 persons of recognized judgment, probity and objectivity. No  
3 person shall ~~may~~ be appointed to this commission who is a member  
4 of the Legislature or who was a member of the previous  
5 Legislature, or who was a declared candidate for an elective  
6 county, state or federal office within 2 years prior to the  
7 appointment, or who now holds an elective county, state or  
8 federal office. No member of the commission may be an employee  
9 of or be directly responsible to the appointing authority.

11           Sec. 4. 1 MRSA §1002, sub-§6 is enacted to read:

13           6. Chair. At its first meeting, the commission shall elect  
14 a chair. The chair shall serve until the end of the term as a  
15 commission member.

17           Sec. 5. 1 MRSA §1003, sub-§1, as amended by PL 1979, c. 541,  
18 Pt. A, §4, is repealed.

19           Sec. 6. 1 MRSA §1004, as amended by PL 1977, c. 252, §1, is  
20 further amended to read:

23           §1004. Meetings

25           The President of the Senate and the Speaker of the House of  
26 Representatives shall jointly call an organizational meeting of  
27 the commission within 10 days after the members have taken their  
28 oaths of office. Thereafter, the commission shall meet on the  
29 call of the Governor, the Secretary of State ~~or of~~, the Speaker  
30 of the House of Representatives or the President of the Senate to  
31 perform the duties required of it or as specifically provided in  
32 this chapter. The commission shall also meet at other times at  
33 the call of the chairman chair or at the call of a majority of  
34 the members, provided all members are notified of the time, place  
35 and purpose of the meeting at least 24 hours in advance.

37           Sec. 7. 1 MRSA §1007, as enacted by PL 1975, c. 621, §1, is  
38 amended to read:

39           §1007. Annual report

41           The commission shall submit to the Governor, the Legislature  
42 and the public an annual report discussing its activities under  
43 this chapter.

45           Sec. 8. 1 MRSA §1008, sub-§1, as enacted by PL 1975, c. 621,  
46 §1, is amended to read:

48           1. Ethical standards. To investigate and make advisory  
49 recommendations to the appropriate body of any apparent  
50 violations of the ethical standards set by the Legislature; and  
51

1                   Sec. 9. 1 MRSA c. 25, sub-c. II, as amended, is repealed.

3                   Sec. 10. 1 MRSA c. 25, sub-c. III is enacted to read:

5                                   SUBCHAPTER III

7                                   ETHICAL STANDARDS

9                   §1031. Definitions

11                   As used in this subchapter, unless the context otherwise  
13 indicates, the following terms have the following meanings.

15                   1. Amount. "Amount" means a category of value, rather than  
17 an exact dollar figure, as follows: greater than \$1,000 but not  
19 more than \$2,500; greater than \$2,500 but not more than \$5,000;  
21 greater than \$5,000 but not more than \$10,000; greater than  
\$10,000 but not more than \$25,000; greater than \$25,000 but not  
more than \$50,000; greater than \$50,000 but not more than  
\$100,000; and greater than \$100,000.

23                   2. Anything of value. "Anything of value" means anything  
25 that is not de minimis in value. "Anything of value" shall not  
27 include a lawful political contribution made in accordance with  
Title 21-A, subsection 1015.

29                   3. Business. "Business" means any corporation,  
31 partnership, sole proprietorship, firm, enterprise, franchise,  
33 association, organization, self-employed individual, holding  
company, joint stock company, receivership or trust, whether or  
not organized for profit.

35                   4. Business with which one is associated. "Business with  
37 which one is associated" means any business, including  
39 self-employment, in which the reporting person or a member of the  
person's immediate family is a general partner, proprietor,  
officer or other employee, or serves as a director, trustee or in  
any similar managerial capacity.

41                   5. Candidate for public office. "Candidate for public  
43 office" means any individual who seeks nomination or election to  
45 public office. For the purposes of this subchapter, an  
individual shall be deemed to be seeking nomination or election  
to public office if the individual has:

47                   A. Received a political contribution or made an  
49 expenditure, or given consent for any other person or  
committee to receive a political contribution or make an  
expenditure, for the purpose of influencing the individual's

1 nomination or election to the office, whether or not the  
2 specific public office for which nomination or election is  
3 sought is known at the time the political contribution is  
4 received or the expenditure is made; or

5  
6 B. Taken the action necessary under the laws of the State  
7 to qualify for nomination or election to the office.

8  
9 6. Commission. "Commission" means the Commission on  
10 Governmental Ethics and Election Practices established in  
11 subchapter 1.

12  
13 7. Compensation. "Compensation" means any money, thing of  
14 value or economic benefit conferred on or received by any person  
15 in return for services rendered or to be rendered personally or  
16 by another.

17  
18 8. Competitive bidding. "Competitive bidding" means all  
19 bidding given and tendered to a state, county or municipal agency  
20 in response to an open solicitation of bids from the general  
21 public by public announcement or public advertising, where the  
22 contract is awarded to the lowest responsible bidder.

23  
24 9. Equity. "Equity" means any stock or similar ownership  
25 in a business.

26  
27 10. Financial interest. "Financial interest" means any  
28 interest:

29  
30 A. As a result of which the owner or member of the owner's  
31 immediate family currently receives or is entitled to  
32 receive in the future more than \$1,000 per year;

33  
34 B. Representing more than 1% ownership or any percentage or  
35 ownership which represents a fair market value of \$10,000 or  
36 more of a corporation, partnership, sole proprietorship,  
37 firm, enterprise, franchise, organization, holding company,  
38 joint stock company, receivership or trust;

39  
40 C. Denoted by a person's position as corporate officer or  
41 member of the board of directors or other governing board  
42 position in a business;

43  
44 D. Resulting from a position as debtor, creditor or  
45 guarantor of another person or business in the amount of  
46 \$5,000 or more; or

47  
48 E. Resulting from real property that is an equitable or  
49 legal ownership with a market value of \$5,000 or more.

1 For purposes of this subchapter, "financial interest" shall not  
3 mean the authorized compensation paid to an official or employee  
for the lawful discharge of duties or any economic benefit  
5 provided equally to all residents of the State.

7 11. Gift. "Gift" means any payment, entertainment,  
subscription, forbearance, service, rendering or deposit of money  
9 or anything of value which is transferred to a donee directly or  
in trust for the donee's benefit or by any other means. "Gift"  
11 shall not include a political contribution otherwise reported as  
required by law, a commercially reasonable loan made in the  
13 ordinary course of business or a gift received from immediate  
family.

15 12. Government agency. "Government agency" means any  
department of a state or municipal government, including the  
17 executive and legislative branches and all councils under them,  
and any department, division, board, bureau, commission, council,  
19 instrumentality or agency or any other independent state or  
municipal authority, district, commission, instrumentality or  
21 agency that is primarily funded by or through state or municipal  
authority.

23 13. Government employee. "Government employee" means any  
25 person performing services for or holding office, position,  
employment or membership in a state or municipal agency or other  
27 independent state or municipal authority, district, commission,  
instrumentality or agency which is primarily funded by or through  
29 state or municipal authority, whether by contract of hire or  
engagement, serving with or without compensation, on a full,  
31 regular, part-time, intermittent or consultant basis.

33 14. Government official. "Government official" means any  
person holding office for which one is nominated at a state or  
35 municipal primary or chosen at a state election and any person  
appointed to office in a state or municipal agency or other  
37 independent state authority, district, commission,  
instrumentality or agency which is primarily funded by or through  
39 state or municipal authority, including members of the  
Legislature.

41 15. High-level official. "High-level official" means:

43 A. The members of both Houses of the Legislature;

45 B. The Governor;

47 C. Any other person holding a position for which one is  
49 nominated at a state primary or chosen at a state election;

51 D. The executive or administrative head or heads of a  
government agency;

1  
3  
5  
7  
9  
11  
13  
15  
17  
19  
21  
23  
25  
27  
29  
31  
33  
35  
37  
39  
41  
43  
45  
47  
49  
51

E. The head of each division, bureau or other major administrative unit within a government agency and persons exercising similar authority; and

F. Any other persons occupying positions involving a substantial and material exercise of administrative discretion in the formulation of public policy, expenditure of public funds, enforcement of laws and rules of the State or the execution of other public trusts, including appointees to boards and commissions, as determined by a majority of the commission.

16. Immediate family. "Immediate family" means an individual who is related to the official or employee or the official or employee's spouse as parent, child, brother, sister, grandparent, grandchild, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother or half sister.

17. Income. "Income" means income from whatever source derived, whether in the form of a fee, salary, allowance, forbearance, forgiveness, interest, dividend, royalty, rent, capital gain or any other form of recompense.

18. Legislative agent. "Legislative agent" means any person who for compensation or reward does any act to promote, oppose or influence legislation, or promote, oppose or influence the decision of any member of the executive or legislative branch when the decision concerns legislation or the adoption, defeat or postponement of a standard, rate or rule pursuant to the legislation. The term shall include persons who in the course of their employment attempt to promote, oppose or influence legislation or the Governor's approval or veto of the legislation, whether or not any compensation, in addition to the salary for their employment, is received for those services.

19. Official act. "Official act" means any decision or action in a particular matter or in the drafting of, voting on or enactment of legislation.

20. Official responsibility. "Official responsibility" means the administrative or operating authority, whether intermediate or final, exercisable alone or with others, and whether personal or through subordinates, to approve, disapprove or otherwise direct agency action.

21. Participate. "Participate" means to participate in agency action or in a particular matter personally and substantially as a state employee or state official through



1 approval, disapproval, decision, recommendation, the rendering of  
2 advice, investigation or otherwise.

3  
4 22. Particular matter. "Particular matter" means any  
5 judicial or other proceeding, application, submission, request  
6 for a ruling or other determination, decision, approval,  
7 disapproval, contract, claim, controversy, charge, accusation,  
8 arrest, recommendation, finding, rendering of advice or  
9 investigation, including the drafting of and voting on special  
10 legislation but excluding the drafting of and voting on general  
11 legislation by the Legislature.

12  
13 23. Person. "Person" means a business, individual,  
14 corporation, union, association, firm, partnership, committee or  
15 other organization or group of persons.

16  
17 24. Political contribution. "Political contribution" means  
18 a contribution of money or anything of value, including in-kind  
19 transfers, to an individual, candidate, political committee or  
20 person acting on behalf of an individual, candidate or political  
21 committee for the purpose of influencing the nomination or  
22 election of that individual or candidate or for the purpose of  
23 promoting or opposing a charter change, referendum question,  
24 constitutional amendment or other question submitted to the  
25 voters. Political contribution shall include any:

26  
27 A. Gift, subscription, loan, advance, deposit of money, or  
28 thing of value, except a loan of money to a candidate by a  
29 national or state bank made in accordance with the  
30 applicable banking laws and regulations and in the ordinary  
31 course of business;

32  
33 B. Transfer of money or anything of value between political  
34 committees;

35  
36 C. Payment, by any person other than a candidate or  
37 political committee, or compensation for the personal  
38 services of another person rendered to a candidate or  
39 committee;

40  
41 D. Purchase from an individual, candidate or political  
42 committee, or person acting on behalf of an individual,  
43 candidate or political committee, whether through the device  
44 of tickets, advertisements or otherwise, for fund-raising  
45 activities, including testimonials held on behalf of the  
46 individual, candidate or political committee to the extent  
47 that the purchase price exceeds the actual cost of the goods  
48 sold or services rendered;

49  
50 E. Discount or rebate not available to other candidates for  
51 the same office and to the general public; and

1           F. Forgiveness of indebtedness or payment of indebtedness  
3           by another person.

5           25. Reporting person. "Reporting person" means any person  
7           required to file a statement of financial interest pursuant to  
          this subchapter.

9           26. Special legislation. "Special legislation" means any  
11          legislation that is directed at a specific situation, individual  
13          or entity as distinct from general legislation which is directed  
          at an entire group, class or segment of the state citizenry.

15          §1032. Abuse of office; undue influence

17          1. Abuse of office. No government employee or government  
19          official may use a public office to obtain financial gain, other  
21          than compensation provided by law, whether for personal gain,  
23          gain of the government employee's or government official's  
25          immediate family, or gain of any business with which the  
          government employee or government official is associated or of  
          any person or organization with whom the government employee or  
          government official is negotiating, has any arrangement  
          concerning prospective employment or has a financial interest.

27          2. Undue influence. It is presumed that a conflict of  
29          interest exists when there are circumstances which involve a  
          substantial risk of undue influence by a Legislator, including  
          but not limited to, circumstances when a Legislator:

31          A. Appears for, represents or assists another in a matter  
33          before a state agency or authority, unless without  
35          compensation and for the benefit of a citizen, except for  
37          attorneys or other professional persons engaged in the  
39          conduct of their professions. All Legislators, without  
41          exception, shall refrain from any threat, orally or in  
43          writing, relating to legislative action in communication  
45          with a state agency or authority and all attorneys or other  
47          professional persons must refrain from references to their  
          legislative capacities, from communications on legislative  
          stationery and from threats or implications relating to  
          legislative action; and

B. Represents or assists another in the sale of goods or  
          services to the State, a state agency or authority, unless  
          the transaction occurs after public notice and competitive  
          bidding.

1       §1033. Abuse of information

3           No government employee or government official may use or  
5           disclose, other than in the performance of official duties and  
7           responsibilities or as may be required by law, confidential  
9           information acquired in the course of or by reason of the  
11          government employee's or official's position of employment to  
13          obtain financial gain other than compensation provided by law.  
15          This prohibition applies to the use of information for personal  
            gain, gain of the government employee's or government official's  
            immediate family or gain of any business with which the  
            government employee or government official is associated or of  
            any person or organization with whom the government employee or  
            government official is negotiating, has any arrangement  
            concerning prospective employment or has a financial interest.

17       §1034. Conflict of interest

19           1. Financial interest. No government employee or  
21           government official may participate in an official capacity in a  
23           particular matter concerning the State, a municipality or a  
25           government agency under the following circumstances when:

27                   A. The government employee or government official has a  
29                   financial interest in the matter;

31                   B. The government employee's or government official's  
33                   immediate family has a financial interest in the matter;

35                   C. A business with which the government employee or  
37                   government official is associated has a financial interest  
39                   in the matter; or

41                   D. Any person or organization with whom the government  
43                   employee or government official is negotiating or has any  
45                   arrangement concerning prospective employment has a  
47                   financial interest in the matter.

49           2. Disclosure. Any government employee or government  
51           official identified in subsection 1 whose duties would otherwise  
            require the government employee or government official to  
            participate in a particular matter concerning the State, a  
            municipality or a government agency shall advise the official  
            responsible for appointment to the government employee's or  
            government official's position and the commission of the nature  
            and circumstances of the particular matter and make full  
            disclosure of that financial interest. Upon disclosure, the  
            appointing official shall:

A. Assign the particular matter to another employee or  
                    official;

1                   B. Assume responsibility for the particular matter;

3  
5                   C. Recommend the employee or official immediately eliminate  
7                   the financial interest as established in subsection 1 and,  
                  only thereafter, continue to participate in the particular  
                  matter; or

9                   D. Make a written determination that the interest is not so  
11                  substantial as to likely affect the integrity of the  
13                  services which the State, a municipality or a government  
15                  agency of the employee or official may expect from the  
17                  employee or official, in which case it shall not be a  
19                  violation for the employee or official to participate in the  
                  particular matter. Copies of the written determination  
                  shall be forwarded to the employee or official and filed  
                  with the commission by the person who made the  
                  determination. The commission shall make the written  
                  determinations available to the public.

21                  3. Legislator; abstention; disclosure. Any Legislator  
23                  identified in subsection 1 shall abstain from participating in  
25                  particular matters, including the drafting of and voting on  
27                  special legislation, and shall disclose fully to the commission  
                  and to the Legislature the nature and circumstances of the  
                  particular matter requiring action and the nature of the  
                  financial interest in conflict with that action.

29                  §1035. Conflict of interest for high-level officials

31                  1. Abstention; disclosure. With the exception of  
33                  Legislators, any high-level official, as defined in section 1031,  
35                  who in the discharge of official duties is required to knowingly  
37                  take action that would substantially affect the official's  
39                  financial interests shall abstain from the required action and  
41                  shall disclose fully to the commission the nature and  
                  circumstances of the matter requiring action and the nature of  
                  the financial interest in conflict with the action. This  
                  requirement shall not apply to instances in which the effect on  
                  the official is no greater than on the general public.

43                  2. Legislator; disclosure. If the financial interests of  
45                  a Legislator are affected by any general legislation, the  
47                  Legislator, prior to a vote on that legislation, shall disclose  
49                  to the commission and the Legislature the matter requiring action  
                  and the nature of the financial interest in conflict with the  
                  action. This requirement shall not apply to instances in which  
                  the legislation's effect on the Legislator is no greater than on  
                  the general public.

1     §1036. Restrictions on compensation and representation

3             1. Receipt of compensation. No government employee or  
5     government official may, except as provided by law for the proper  
7     discharge of official duties, directly or indirectly receive or  
9     request compensation from anyone other than the State,  
11    municipality or a government agency, in relation to any  
13    particular matter in which the State, a municipality or a  
15    government agency is a party or has a direct and substantial  
17    interest.

19            2. Offer of compensation. No person may, except as  
21    provided by law for the proper discharge or official duties,  
23    directly or indirectly give, promise or offer compensation  
25    pursuant to subsection 1.

27            3. Agent; attorney. No government employee or government  
29    official may, except in the proper discharge of official duties,  
31    act as agent or attorney for anyone other than the State, a  
33    municipality or a government agency for prosecuting any claim  
35    against the State, a municipality or a government agency or as  
37    agent or attorney for anyone else in connection with any  
39    particular matter in which the State, a municipality or a state  
41    agency is a party or has a direct and substantial interest.

43            4. Legislator; compensation; agency. A member of the  
45    Legislature shall not be subject to subsections 1 and 3.  
47    However, no member of the Legislature may personally appear for  
49    any compensation, other than the Legislator's statutory  
51    compensation for legislative duties, before the State or any  
   state agency, unless:

A. The appearance is before a court of the State;

B. The particular matter before the state agency is  
   ministerial in nature including, but not limited to, the  
   filing or amendment of tax returns and incorporation papers;  
   or

C. The appearance is in a quasi-judicial proceeding. For  
   the purposes of this paragraph, a proceeding shall be  
   considered quasi-judicial if the action of the state agency  
   is adjudicatory in nature and appealable to the courts and  
   both sides are entitled to representation by counsel and the  
   counsel is neither the Attorney General nor the counsel for  
   the state agency conducting the proceeding.

§1037. Contracts

A government employee or government official may not have,  
   directly or indirectly, a financial interest in or be a party to

1 a contract made by a government agency in which the State, a  
2 municipality or a government agency is an interested party, if  
3 the government employee or government official is employed in the  
4 contracting agency and the contract is under the official's or  
5 employee's official responsibility. This section shall not apply  
6 if:

7  
8 1. Timely disclosure. The government employee or  
9 government official in good faith and within 30 days after  
10 learning of an actual or prospective violation of this section  
11 makes full disclosure of the employee's or official's financial  
12 interests to the contracting agency and the commission and  
13 terminates or disposes of the interest; or

14 2. Public notice; disclosure. The contract is made after  
15 public notice or, applicable, through competitive bidding, and if  
16 the government employee or government official files with the  
17 commission a statement making full disclosure of the employee's  
18 or official's interest and the interests of the employee's or  
19 official's immediate family in the contract.

20 §1038. Employment of relatives

21  
22 1. Employment. No government employee or government  
23 official may employ or advocate employment in any government  
24 agency:

25  
26 A. For any person who is a member of the employee's or  
27 official's immediate family; or

28  
29 B. In exchange for or in consideration of the employment of  
30 any member of the employee's or official's immediate family  
31 by any other employee or official.

32  
33 2. Employment assistance. Government employees or  
34 government officials shall not use or permit the use of their  
35 position to assist any member of their immediate family in  
36 securing employment or contracts with any government agency  
37 exercising contract authority over that employment or contract.

38  
39 §1039. Post-employment restrictions

40  
41 1. High-level officials; prohibition. No high-level  
42 official, except members of the Legislature, may, after  
43 retirement or termination of employment, knowingly act as agent  
44 or attorney for or otherwise represent, aid or advise any other  
45 person or knowingly make with the intent to influence any  
46 communication on behalf of any other person, except the State or  
47 municipality, to the State, a municipality or a government agency  
48 in connection with any particular matter in which the State or a  
49

1 municipality is a party or has a direct interest and in which the  
3 official participated personally and substantially and which  
involved a specific party or specific parties at the time of that  
5 participation.

7 2. High-level official; restriction for 2 years. No  
9 high-level official, except members of the Legislature, may,  
11 within 2 years of retirement or termination of employment,  
13 knowingly act as agent or attorney for or otherwise represent,  
15 aid or advise any other person or knowingly make with the intent  
17 to influence any communication on behalf of any other person,  
except the State or municipality, to the State, a municipality or  
a government agency in connection with any particular matter in  
which the State or a municipality is a party or has a direct  
interest and which was pending under the official's  
responsibility and involved a specific party or specific parties  
at the time it was so pending.

19 3. High-level official; restriction for one year. A  
21 high-level official shall not within one year of retirement or  
termination of employment:

23 A. Act as agent or attorney or otherwise represent any  
25 person, other than the State, a municipality or a government  
agency, in any formal or informal appearance before:

27 (1) Any agency of the State or a municipality, except  
29 a court of law, in connection with any matter in which  
31 the State, a municipality or a government agency is a  
party or has a direct interest, if the official can be  
classified under the definitions in section 1031,  
33 subsection 15, paragraphs A to D; or

35 (2) The agency of the official's former employment in  
37 connection with any matter in which the State, a  
municipality or a government agency is a party or has a  
direct interest, if the official can be classified  
39 under the definitions in section 1031, subsection 15,  
paragraphs E and F; and

41 B. Make, with intent to influence, any communication on  
43 behalf of any person, other than the State, a municipality  
or a government agency to:

45 (1) Any agency of the State or a municipality, except  
47 a court of law, in connection with any matter in which  
49 the State, a municipality or a government agency is a  
party or has a direct interest, if the official can be  
51 classified under the definitions in section 1031,  
subsection 15, paragraphs A to D; or

1           (2) The agency of the official's former employment in  
3           connection with any matter in which the State, a  
5           municipality or a government agency is a party or has a  
7           direct interest, if the official can be classified  
          under the definitions in section 1031, subsection 15,  
          paragraphs E and F.

9           §1040. Restrictions on acceptance of honoraria

11           No person while an elected or appointed officer or employee  
13           of the government may accept any honoraria, unless the honoraria  
15           is unrelated to the person's official capacity or duties. The  
17           term "honoraria" means a payment of money or anything of value to  
          such person for any appearance, discussion, speech or article by  
          that person or for travel and subsistence expenses in excess of  
          any actual and necessary expenses in connection with the  
          appearance, discussion or speech.

19           §1041. Statement of financial interests

21           1. Candidates for public office. Every candidate for  
23           public office shall file a statement of financial interest for  
25           the preceding calendar year with the commission on or before the  
          date on which a certificate of nomination or nomination papers  
          for that candidate are submitted to the Secretary of State.

27           Every candidate for public office who has not filed nomination  
29           papers with the Secretary of State, but on whose behalf a  
31           statement of the organization of a political committee has been  
33           filed, and who is seeking public office by the "write-in" method,  
          shall, within 3 days after that filing, file a statement of  
          financial interests with the commission.

35           2. High-level officials. Every high-level official shall  
37           file a statement of financial interests for the preceding  
39           calendar year with the commission on or before the last Tuesday  
41           in May of each year that the official holds office and on or  
          before May 1st of the year after that official leaves office,  
          except that no official will be required to file a statement of  
          financial interests for any year in which the official holds  
          public office for less than 8 days.

43           3. Verification. The commission shall, upon receipt of a  
45           statement of financial interests pursuant to this section, issue  
47           to the person filing the statement a receipt which verifies the  
          fact that statement of financial interests has been filed and a  
          receipted copy of that statement.

49           4. Commencement of duties. No candidate for public office  
          or high-level official may be allowed to take the oath of office,



1 enter or continue in official duties or receive compensation from  
2 public funds unless the candidate or official has filed a  
3 statement of financial interests with the commission as required  
4 by this subchapter.

5  
6 5. Form; signature. The statement of financial interests  
7 filed pursuant to this section shall be on a form prescribed by  
8 the commission and signed under oath by the reporting person.

9  
10 §1042. Content of statement of financial interests

11  
12 1. Disclosure. Reporting persons shall disclose, to the  
13 best of their knowledge, the following information for the  
14 preceding calendar year, or as of the last day of the year, with  
15 respect to the information required by paragraphs A to J.  
16 Reporting persons shall also disclose the same information with  
17 respect to their spouses and dependent children:

18  
19 A. The name and address of, the nature of association with,  
20 the share of equity in, if applicable, and the amount of  
21 income if greater than \$1,000 derived from the business with  
22 which the reporting person is associated and, if the  
23 business or entity has done business with or been regulated  
24 by the State, or any political subdivision of th State, the  
25 date and the nature of that business or regulation;

26  
27 B. The identity of all securities and other investments  
28 with a fair market value of greater than \$1,000 which were  
29 beneficially owned and not otherwise reportable, and the  
30 amount of income, if over \$1,000, from any security issued  
31 by the State, any political subdivision of the State, or any  
32 public agency or authority created by the Legislature;

33  
34 C. The amount of holdings in a trust, income from a trust  
35 or other financial arrangement received. The reporting  
36 individual need not report the holdings of any trust which  
37 was not created directly by the reporting person, spouse or  
38 dependent child or the holdings or income of which the  
39 reporting person, spouse or dependent children have no  
40 knowledge;

41  
42 D. The name and address of each creditor to whom more than  
43 \$1,000 was owed and the original amount, the amount  
44 outstanding, the terms of repayment and the general nature  
45 of the security pledged for each obligation;

46  
47 E. The name and address of the source, and the cash value,  
48 of any reimbursement for expenses which total more than \$50  
49 in the calendar year if the source of reimbursement is a  
50 legislative agent or if the recipient is a high-level  
51 official and the source of reimbursement is a person having  
52 a direct interest in a matter before the state agency by  
53 which the recipient is employed;

1  
3  
5  
7  
9  
11  
13  
15  
17  
19  
21  
23  
25  
27  
29  
31  
33  
35  
37  
39  
41  
43  
45  
47  
49  
51

F. The name and address of the source, the date of receipt and the fair market value of any gift received, the value of which is in excess of \$50 and the name and address of the source, the date of receipt and the fair market value of a series of gifts from the same source, received in the calendar year, the aggregate value of which exceeds \$50, if the recipient is a high-level official and the source is not a member of the recipient's immediately family;

G. The description as it appears on the most recent tax bill, and the amount of assessed value, of all real property located within the State in which a direct or indirect financial interest was held which has an assessed value greater than \$1,000 and, if the property was transferred during the year, the name and address of the person furnishing consideration to the reporting person or receiving consideration from the reporting person in respect to the transfer;

H. The name and address of any creditor who has forgiven an indebtedness of more than \$1,000, and the amount forgiven, except that the information need not be reported if the creditor is a spouse, dependent child or member of the reporting person's immediate family;

I. The name and address of any business from which the reporting person is taking a leave of absence; the name and address of the source, and the amount, of any severance payments received from any business from which the reporting person is taking a leave of absence or retiring to become a candidate for public office, assume a public office or accept a position as public employee; whether the recipient is a high-level official and the source of the payment is a person having a direct interest in legislation, legislative action or a matter before a state agency; or whether the recipient is a high-level official and the source of the payment is a person having a direct interest in a matter before the state agency by which the recipient is or was employed; and

J. The identity of any equity in a business with which the reporting person is associated that has been transferred to a member of the reporting person's immediate family, except that a member of the reporting person's family need not report the transfer to the reporting person.

2. Privileged information. Nothing in this section shall be construed to require the disclosure of information which is privileged by law.

